FRANCIS SCHUCKARDT'S CLAIM TO APOSTOLIC SUCCESSION

An Examination of the Article "Validity and Liceity of Orders"

Shortly after the death of Francis Schuckardt on November 5, 2006, a website came online dedicated to his memory.[1] On the home page he is eulogized by "the companion of His life, the guardian of His memory,"[2] and this tribute is linked to a "biographical article" describing Schuckardt as:

> "...a traditional Catholic bishop who founded the first traditional Catholic Church in the United States after the promulgation of the decrees of Vatican Council II. Bishop Schuckardt was also the first Catholic Bishop in the United States to proclaim Paul VI as a false pope, to proclaim Vatican Council II as a false council, and to proclaim the new Mass (novus ordo missae) to be invalid."

Linked to the bottom of Schuckardt's biography is an article entitled Bishop +Francis K. Maria - Validity and Liceity of Orders. The information in this six page document is confined to the scope of its title, that is, his claim to having "valid and licit (lawful) holy orders". Its final conclusion, however, consists of a far more significant claim—that Schuckardt was a "bishop of the Roman Catholic Church." This statement can only be taken as a claim that he was a genuine successor of the Apostles, namely, that he possessed **Apostolic Succession** within the Roman Catholic Church.

Such a claim is not a merely academic dispute about lines of ordination. If Francis Schuckardt truly *was* a Roman Catholic bishop, then this would be cause for real rejoicing: it would mean that Christ has continued to send shepherds into His flock, that our Lord Who is the Door to the sheepfold has not ceased to provide pastors for His Church, and that a genuine successor of the Apostles had appeared among the faithful.

But precisely because that possibility is so grave in its import, its opposite is graver still. For our Lord Himself draws a sharp line: "He that entereth not by the door into the sheepfold, but climbeth up another way, the same is a thief and a robber... All others, as many as have come, are thieves and robbers."[3] If Schuckardt's claim is *not* authentic, then it is not a harmless error, but the very thing against which Christ warned His sheep. The question before us, therefore, is not a man's asserted status, but whether he has entered the fold through the door, or climbed in by another way.

As a theological and canonical justification for the episcopal consecration of Francis K. Schuckardt, "Validity and Liceity" is lengthy, citation-heavy, and outwardly technical. Its title invokes two familiar theological categories. Both are real. Both are legitimate. Both belong to Catholic sacramental and

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[1] http://www.bishopschuckardt.com/

[2] Andrew K. (Fidelis) Jacobs, Schuckardt's intimate companion from 1979 until his death in 2006. It appears that *Validity and Liceity* is maintained as the primary public facing document supporting Jacobs' present-day claim to apostolic succession.

[3] Ad Apostolorum Principis, Encyclical Letter of Pius XII, June 29, 1958, in *Acta Apostolicae Sedis*, vol. 50, 611, where Pope Pius XII applies Our Lord's words of John 10:1, 4–5 to those who assume ecclesiastical functions apart from the Church's constituted authority: *Qui non intrat per ostium in ovile ovium, sed ascendit aliunde, ille fur est et latro; veri quidem pastoris sui oves noscitant vocem, alienum autem non sequuntur, sed fugiunt ab eo, quia non noverunt vocem alienorum*. ("He that entereth not by the door into the sheepfold, but climbeth up another way, the same is a thief and a robber... But a stranger they follow not, but fly from him, because they know not the voice of strangers.")

canonical vocabulary. And yet, the very selection of these two terms without providing the Catholic framework in which they operate already determines the argument before a single paragraph is read. *It pre-structures the problem and it silently defines what will not be discussed*. It even signals what kind of church is being presupposed in the article. To analyze its message then, the Catholic context for these terms must first be understood.

Validity" and "Liceity" in Catholic Theology

In Catholic doctrine v*alidity* concerns whether an act truly takes place. *Liceity* concerns whether it is performed lawfully. These terms answer questions such as, was the sacrament confected? Was the act permitted by law? These terms do *not* answer: *Who has governing authority in the Church?* In their proper context these terms *presuppose* the existence of the Church as constituted by Christ and belong to her *sacramental and disciplinary order*. Detaching these terms from the framework within which they operate immediately signals a logical error.

The Silent Term: Jurisdiction

The most striking feature of the title—and the entire article—is not what it includes, but what it *omits*. The governing term in Catholic ecclesiology is *not* validity or liceity, sacramental lineage or emergency justification. It is **jurisdiction**. Jurisdiction answers the prior question: *By what right does anyone act in the name of the Church?*

Yet, this term is entirely absent from the article. It is simply not mentioned—even once. *Validity and Liceity* appeals to sacramental theology, historical succession, necessity, and even papal statements. *Yet, it omits the one decisive theological reality*. Without it, one may speak endlessly of valid sacraments, illicit rites, necessity, good faith, extraordinary circumstances, and never once touch the foundation for determining both validity and liceity—*ecclesiastical jurisdiction*. By framing the entire inquiry under the secondary questions of "validity and liceity," the document restricts the field of inquiry to *acts,* not to *office;* to *rites*, not to the *rules that* govern them*;* to *function*, not to *authority*.

The theological reality of ecclesiastical jurisdiction is not merely underdeveloped in *Validity and Liceity*. It is not misdefined. It is effectively *missing as a governing category*. This absence is not accidental. It is *structural, r*evealing the true ecclesiology operating beneath the document.

What "Jurisdiction" Means in the Catholic Church

In the Catholic Church, *jurisdiction* means the *authority to teach and govern souls in Christ's name*.[4]

What is meant by "ecclesiology"?

Ecclesiology is simply the Church's teaching about herself —what the Church is, how Christ founded her, how she is structured, and how she continues in this world.

In this part of Catholic teaching, theologians explain more fully what is learned in the catechism lessons on *The Holy Catholic Church*:

- Christ founded one visible Church
- built on the Apostles,
- governed by lawful pastors, under one visible Head, the Pope,
- possessing the Teaching, Priestly, and Pastoral offices,
- and recognizable by her four marks: One, Holy, Catholic, Apostolic.

"The Church is the same congregation of all the faithful, who, being baptized, profess the same doctrine, partake of the same Sacraments, and are governed by their lawful pastors under one visible Head, the Pope."

[4] Mystici Corporis Christi, Encyclical Letter of Pope Pius XII, June 29, 1943, in *Acta Apostolicae Sedis*, vol. 35, 212, where the Pope teaches that bishops possess ordinary power of jurisdiction to rule the flocks entrusted to them, a power which they receive from the Roman Pontiff, thereby defining jurisdiction as governing authority within the visible hierarchical order of the Church*: ...id tamen dum faciunt, non plane sui iuris sunt, sed sub debita Romani*

Jurisdiction is what makes a man a *true* successor of the Apostles, because the Apostles were not only consecrated — they were *sent*. The Father sent the Son. The Son sent the Apostles. "As the Father sent Me, I also send you." "He who hears you, hears Me." "Go therefore, teach all nations." Christ gave them a real mission and real authority to rule His Church, and He willed that this same mission would continue in the Church until the end of time through their lawful successors.[5] *No new mission can ever arise in the Church. The mission conferred by Christ must pass from generation to generation through an uninterrupted lawful succession.*[6]

That is why the Church teaches that the mark of *Apostolicity* is not merely a matter of historical lineage, but of *living authority*. The Church is apostolic in origin and doctrine, but also because she is *always* governed by the authority Christ entrusted to the Apostles and which was handed down by them in the Church in an unbroken chain. Without jurisdiction, there is no apostolic mission; without apostolic mission, the Church no longer possesses the apostolic mark. Therefore, to believe that the Church is "Apostolic," as we profess in the Creed, necessarily includes believing that Christ always preserves in His Church a real, visible, and *uninterrupted* authority to teach and govern — that is, jurisdiction. The Church is constituted as a *visible, juridical society*.[7] The power of *orders* and the power of *jurisdiction*

What is meant by "canonical mission"?

Mission is the authoritative *sending* by the Church through which a man receives the right to act publicly in Christ's name as a pastor or ruler of the faithful.

It is the juridical transmission of authority that connects a bishop or priest to the Apostles and, through them, to Christ.

Sacramental orders give the *capacity* to act; *mission gives the authority to do so* within the Church.

Without mission, no one possesses jurisdiction, governs souls, or holds ecclesiastical office, regardless of sacramental lineage or personal conviction.

Pontificis auctoritate positi, quamvis ordinaria iurisdictionis potestate fruantur, immediate sibi ab eodem Pontifice Summo impertita. ("Yet in exercising this office they are not altogether independent, but are subordinate to the lawful authority of the Roman Pontiff, although enjoying the ordinary power of **jurisdiction** which they receive directly from the same Supreme Pontiff.")

[5] Vatican Council, First Dogmatic Constitution on the Church of Christ (Pastor Aeternus), Session IV, July 18, 1870, in *Acta et Decreta Sacrosancti Oecumenici Concilii Vaticani*, DZ 1821. In the prologue, the Council teaches that just as Christ was sent by the Father and the Apostles were sent by Christ, so He willed that there should always be pastors and teachers in His Church until the end of the world, thereby affirming the perpetual, visible existence of apostolic authority and ecclesiastical governance in the Church.

[6] Satis Cognitum, Encyclical Letter of Leo XIII, June 29,1896, in *Acta Sanctae Sedis* 28, 712–713: "*Quid enim in condita condendave Ecclesia petiit, quid voluit Christus Dominus? Hoc scilicet; munus idem, idemque mandatum in eam continuandum transmittere, quod ipse acceperat a Patre. Id plane statuerat faciendum, idque re effecit.* ("For what did Christ the Lord seek, what did He will, in establishing the Church? This: to transmit into it, to be continued, the same office and the same mandate which He Himself received from the Father. He plainly resolved that this should be done, and He in fact accomplished it.") *Itaque partam per Iesum Christum salutem… late fundere in omnes homines atque ad omnes propagare aetates debet Ecclesia. Quocirca ex voluntate auctoris sui unicam in omnibus terris, in perpetuitate temporum, esse necesse est.* ("Therefore the salvation obtained through Jesus Christ… the Church must spread widely to all men and extend through all ages. Wherefore, by the will of her Author, she must be one in all the earth, and one throughout the perpetuity of time.")

[7] Mystici Corporis Christi, *supra,* 200, where Pope Pius XII explicitly affirms that the Church is not a merely mystical or invisible reality, but a visible society constituted by Christ, possessing real juridical bonds: *Hi vero iuridici vinculi, quibus Ecclesia corpus constituitur, longe superant quascumque cuiusvis generis societatis humanae, etiamsi praestantissimae*. ("These juridical bonds, by which the Church is constituted a body, far surpass those of any other human society, however excellent.")

are really distinct.[8] Orders concern *sacramental reality*. Jurisdiction concerns *governing authority*. This distinction is not a scholastic technicality. A man can possess *orders* without *jurisdiction*. No man, even one with valid orders, can possess jurisdiction without *canonical mission*. And without jurisdiction there is no office, no governing authority, no true apostolic succession, and no hierarchy.

When jurisdiction is removed from the definition of apostolicity, apostolicity itself is emptied of its Catholic meaning. It is reduced from a living mission to a mere lineage. Once apostolicity is treated as something transmitted by imposition of hands only, without regard for mission, the Church is no longer something Christ actively governs — she becomes something *men* attempt to maintain.

Any document claiming to justify episcopal acts, apostolic succession, or ecclesiastical claims while bypassing jurisdiction is not merely incomplete — it is operating in an *entirely different ecclesiological system*.

Key scholastic axiom: Apostolicity formally resides in the uninterrupted transmission of jurisdictional mission, not in the material persistence of sacramental orders.[9]

What is meant by the "juridical" Church?

When Pope Pius XII describes the Catholic Church in *Mystici Corporis Christi*, he insists that she is not merely *spiritual, invisible,* or *mystical* in sentiment.

He explicitly teaches that the Church is also a *juridical* body.

"Juridical" simply means:

- a true society
- with real authority
- real offices
- real laws
- real superiors
- and real subordinates.

In other words: a governing body.

When Pius XII speaks of the Church as the Mystical Body, he carefully guards against the idea that this removes her visible structure. On the contrary, he teaches that Christ's Mystical Body is the very *same* society that teaches, rules, judges, and sends.

So when Catholic theology speaks of apostolicity, it never means "Whoever has *orders* may act." It means "Those who lawfully hold *office* in Christ's Church possess the *right* to act."

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[8] Ad Apostolorum Principis, *supra,* 610-611. Pius XII teaches that bishops elected and consecrated *against the express directives of the Apostolic See*, without being named or confirmed by it, possess no power of teaching or jurisdiction; yet acts pertaining to the power of orders performed by such men may be valid (if their consecration was valid) while remaining gravely illicit: *Hoc posito, efficitur, ut Episcopi nec nominati nec confirmati a Sede Apostolica, immo contra expressas eius ordinationes electi et consecrati, nulla fruantur potestate magisterii et iurisdictionis, cum iurisdictio Episcopis per unum Romanum Pontificem obtingat… Actus vero, ad potestat em sacri Ordinis pertinentes, ab huiuscemodi viris ecclesiasticis patrati, etiamsi validi sunt, dummodo valida fuerit consecratio ipsis collata, sunt tamen graviter illiciti, id est flagitiosi et sacrilegi.* ("Given this, it follows that bishops who are neither appointed nor confirmed by the Apostolic See—indeed, who are elected and consecrated against its express directives—enjoy no power of teaching and jurisdiction, since jurisdiction comes to bishops through the Roman Pontiff alone… But acts pertaining to the power of Holy Orders, performed by such ecclesiastics—even if they are valid, provided that the consecration conferred on them was valid—are nevertheless gravely illicit, that is, criminal and sacrilegious.")

[9] St. Thomas Aquinas, Summa Theologiae, II–II, q. 39, a. 3 (corpus), *De potestate schismaticorum*. St. Thomas distinguishes *potestas sacramentalis* from *potestas iurisdictionalis*: "*Spiritual power is twofold, the one sacramental, the other a power of jurisdiction… On the other hand, the power of jurisdiction is that which is conferred by a mere human appointment… it does not remain in heretics and schismatics; and consequently they neither absolve nor excommunicate, nor grant indulgence… and if they do, it is invalid*." Therefore, even where sacramental orders may remain materially, apostolicity in government and mission—as a juridical reality—cannot be grounded in orders alone.

The Content Pattern of "Validity and Liceity"

When examined carefully, the document orbits three categories:

1. **Sacramental validity**
   (Old Catholics, valid orders, succession of rites)
2. **Personal belief and profession**
   (statements of faith, rejection of Vatican II, professions of Roman Catholic identity)
3. **Necessity arguments**
   (salvation of souls, crisis, historical precedent, extraordinary conditions)

What it never establishes is a canonical mission, a juridical office, or the lawful insertion of man into the governing structure of the Church. The document labors to prove that Old Catholics have valid orders, Schuckardt's consecration was sacramentally real, and that Brown and Schuckardt's actions were morally justified by *necessity*. But it never proves — or even meaningfully treats of — the *only* question that determines whether this or that bishop is a bishop of the Catholic Church: *From whom was governing authority received?*

What the Omission Accomplishes

By omitting jurisdiction, the document redefines apostolicity. Apostolic succession becomes mere lineage of orders, orthodoxy of belief, sacramental continuity, and sincerity of intention. None of these things are what Catholic theology actually teaches about apostolic succession: *a juridical continuity of mission*. This allows the document to move seamlessly from "validly consecrated" to "true Catholic bishop" to "rightful maintainer of the Church", all without ever crossing the one bridge Catholic doctrine requires: *canonical mission*. Once the element of jurisdiction is removed, those transitions, according to *Validity and Liceity,* can be smoothly adopted in a manner that is impossible within Catholic ecclesiology.

Ecclesiological Consequence: A Different Church

The Catholic Church is apostolic in government because her rulers form *one juridical person with the Apostles, under* Peter and his successors.[10] When jurisdiction disappears from the framework, one is not dealing with the same church. She is no longer a visible society perpetually governed by a juridically continuous succession of men sent by Christ, Who promised to remain with them until the end of the world. She becomes instead a detached "sacramental survival network" operating within a necessity-driven ministry field. This is not Catholic ecclesiology with missing footnotes. *It is a different ecclesiology altogether, o*ne in which apostolicity is merely a transmission of orders, authority is merely a useful way of managing things, and crisis is able to "reconstitute" the Church. The absence of jurisdiction is therefore not a weakness of the argument. *It is the foundation of an entirely new entire system*.

The Absence of Jurisdiction in "Validity and Liceity" Cannot Be Repaired

No amount of added citations about valid orders, Old Catholic succession, Pope St. Gregory the Great, the good of souls (*salus animarum*) or historical anomalies can supply what the document structurally

[10] Satis Cognitum, *ASS*, 28, 712–713, 718–719, where Leo XIII teaches that Christ willed the very same mission and mandate He received from the Father to be perpetually continued in the Church; that this apostolic office did not terminate with the Apostles but was divinely provided to endure through episcopal succession; and that, as Christ was sent by the Father and the Apostles by Christ, so bishops—successors of the Apostles—are sent with the same governing and teaching authority, thereby ensuring the Church's juridical continuity.

excludes. Jurisdiction is not merely a conclusion from human reasoning, a permission not needed when "unavailable", or capable of being implied from a line of schismatic orders. It is a *principle of the very constitution of the Church established by our Lord*, and the object of His solemn promise to her. Without it, no act — however sincere, sacramentally valid, or necessity-motivated — can create an office, transmit governing authority, or continue the hierarchy.

Therefore, the document's silence on this matter is decisive. It does not merely fail to answer the Catholic question; it operates in a framework where the Catholic question no longer exists. *Validity and Liceity* does not argue that jurisdiction is unnecessary. It simply proceeds as if it does not exist. And in doing so, it reveals its true ecclesiology: a Church that can survive without mission, a hierarchy that can arise without authority, a succession that can persist without jurisdiction, and a Catholicism reduced to sacramental continuity under necessity. This is not an error inside Catholic ecclesiology. It is the *replacement* of Catholic ecclesiology.

Neither Validity nor Liceity are Jurisdiction

Validity and *liceity* belong to the Church's ordinary sacramental and canonical vocabulary. They are real categories; they are necessary categories; but they are not governing categories. And when they are made to function as if they were, the entire notion of the Church changes.

Many modern "traditionalist" arguments concerning bishops, sacraments, and apostolic succession are framed almost entirely in terms of *validity* and *liceity*. The result is an ecclesiology in which everything turns on whether rites occur and whether circumstances justify them. What almost never appears is the primary and decisive Catholic question: *By what authority does anyone act in the Church at all?* That question is not answered by validity, nor is it answered by liceity. It is answered only by *jurisdiction*.

What Validity Actually Means

In Catholic doctrine, **validity** answers one thing only: *Did the act truly take place?* Was the sacrament confected? Was the power of orders exercised? Was the rite real? A Mass may be valid. An episcopal consecration may be valid. But validity tells us nothing about whether the act belonged to the Church's governing order. A schismatic bishop can validly ordain. A suspended priest can validly absolve in danger of death. A heretic can validly baptize. But none of these facts confer authority. Validity concerns *sacramental being*, not *ecclesiastical right* to perform sacraments.

What Liceity Actually Means

In Catholic doctrine, *liceity* asks *whether an act was lawfully performed within the Church's juridical order***.** It concerns not whether something happened, but whether it was done by one who had the right to do it. An act may be valid yet illicit: a bishop may consecrate without mandate; a priest may celebrate while suspended; a cleric may act outside communion. In each case, the sacramental act may be real, but it is not lawful. Liceity *presupposes* law, authority, and mission. It belongs to the Church's governance, not to sacramental power as such.

Validity & Liceity departs from this teaching by treating necessity as a *source* of lawfulness. The inaccessibility of authority is made a warrant to suspend the requirement of mission itself. Liceity is no longer measured by conformity to received authority, but by appeal to circumstance. What Catholic doctrine treats as a limit on action is converted into a justification for replacing authority.

When discussions are framed entirely in terms of validity and liceity without reference to ecclesiastical authority, the decisive questions disappear. Instead of asking: *Who has the right to rule?* the discussion is reduced to: *Are sacraments still happening?* Once the focus is on sacraments only, then whoever can

provide them begins to appear as authority, and "valid and licit" sacraments become the very source of authority. But this is not Catholic theology. The Church is not constituted by the circulation of sacraments. She is constituted by the mission Christ entrusted to the Apostles and their successors.

Why this Distinction Matters

If validity were authority, the Church would be wherever sacraments occur. If liceity were authority, mere observance of laws could create and sustain a reconstructed church. But Catholicism teaches neither. The Church exists where mission and jurisdiction exist, where men govern in the name of Christ because they have been sent. When those categories vanish from discussion, the Church vanishes with them—replaced by a sacramental survival system that looks Catholic but no longer possesses the Catholic principle of unity—ecclesiastical authority.

Validity is real. Liceity is real. But neither of them create authority. And wherever that distinction is lost, the Catholic Church has already been conceptually replaced.

A Sacramental Crisis Cannot Create Authority

Catholic theology has always admitted that in certain circumstances necessity can excuse from observance of the law—except for divine law. While necessity can excuse the violation of a law, it cannot create a power that does not exist. It certainly cannot create the power that comes only from the Father to the Son, and from Him to His Apostles and their successors.

A starving man may break into a bakery without sin, but hunger does not make him the owner. A priest may absolve without faculties in danger of death, but danger of death does not make him the bishop. Whenever crisis is treated as if it could generate its own authority, the Church is no longer a juridical society. Necessity-based arguments, such as those presented in V*alidity and Liceity*, infer authority from the necessity of dispensing sacraments in a time of crisis. But in Catholic theology, authority is not granted because men *reason* to its necessity. It is granted by Christ to those men upon whom He wills to confer it.

If the Church is treated merely as a sacramental dispensary, and not a juridical society, she becomes a place where sacraments must continue to occur, rather than a society that must continue to be governed. She becomes a mechanism for preserving sacraments only, rather than the Kingdom of God on earth, founded by Christ to lead men to eternal salvation. In this case *necessity* becomes the highest operative principle, creating its *own* authority. When necessity becomes a source of jurisdiction, the Church has already been replaced by a theory.

The question becomes, *does this narrative preserve the Church's continuous, visible, juridical existence?* Or *does it not?* The Church *is* a visible, hierarchical, juridical society founded by Christ, *perpetually* governed by living pastors united under the successor of Peter. If that Church remains, then all authority, jurisdiction, and mission must exist within her. In a necessity driven narrative, however, the Church has ceased to exist, and nothing remains capable of handing down apostolic authority — except for a variety of private "reconstructive" efforts based on her collapse.

At that point, the reader is no longer weighing facts. He is recognizing a *different idea of the Church,* and his task is to determine if this narrative is acceptable. Unfortunately, every argument that follows in *Validity and Liceity* supports a narrative that is inconsistent with the essential qualities of the Church established by our Lord.

How Christ Actually Preserves His Church

If *Validity and Liceity* begins from the idea that the Church's hierarchy has vanished and must somehow be

replaced, Catholic doctrine begins somewhere entirely different. It begins with Christ. Before there were bishops, or sacraments, or canon law, Christ Himself declared what His Church would be. He did not describe a movement. He did not prepare His followers for institutional collapse. He constituted a living society, and He defined its form.

1. Christ willed a Church that would always have pastors. The Vatican Council did not invent a new doctrine when it taught about the Church. It solemnly restated what Christians had always believed. The Council teaches:

> "As then He sent the Apostles whom He chosen to Himself from the world[1], as He Himself had been sent by the Father, so He willed that there should ever be pastors and teachers in His church to the end of the world." (*First Dogmatic Constitution on the Church of Christ*, July 18, 1870)
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> [1] "And not for them only do I pray, but for them also who through their word shall believe in me; that they all may be one, as Thou, Father, in Me, and I in Thee; that they also may be one in Us; that the world may believe that Thou hast sent Me." [John 17:20-21]

This is not a devotional phrase. It is a dogmatic statement on the constitution of the Church. The Church is not merely a body of believers, a sacramental system, or an apostolic memory. She is a society in which Christ willed there to be *pastors and teachers until the end of time*. Not intermittently. Not when possible. Not except in emergencies. Always. This is Catholic doctrine. If there were ever a time when there were no true pastors in Christ's Church, then Christ's Will would have failed.

2. Pastors are not an accessory, but part of the Church's essence. Christ did not add pastors later as an administrative convenience. He built His Church upon them. The same Vatican Council explains that in order to preserve unity, Christ made the episcopal office one and undivided, set Peter over the Apostles, and established in him a permanent visible principle of unity.[11] Pastors are not something the Church "uses". They are something the Church is constituted with. The Church without pastors is not a wounded Church. It is not the Church at all. Christ did not found a sacramental supply depot; He founded a living body governed by men whom He sends, and will always send until the end of the world. Where there is no mission, there is no pastor. Where there is no pastor, there is no Church.

3. The promise of pastors is inseparable from indefectibility. Christ's promise to remain with His Church "all days" is not at all vague. It is concrete. He promised to remain with those whom He sent. The Vatican Council explicitly connects Christ's mission with that of the Apostles, the continuation of that mission, the unity of the Church, and the indefectibility of her structure.[12] The Church is indefectible not because Catholics are resilient. She is indefectible because Christ preserves her constitution. That constitution includes perpetual pastors. This is why *Catholic theology does not speculate about total hierarchical extinction*. Such a thing would not merely be tragic; it would contradict Christ's will.

4. This doctrine alone overturns "Validity and Liceity". Every necessity-ecclesiology implicitly assumes this: *that there came a time when Christ's Church no longer possessed true shepherds*. But the Vatican Council teaches the exact opposite *as a matter of faith*. If Christ willed that there always be shepherds in His Church, then the Church's hierarchy *cannot* vanish, apostolic mission cannot disappear, juridical authority cannot evaporate, and the Church cannot be reduced to sacramental remnants. Once this is

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[11] Vatican Council, Pastor Aeternus, *supra,* ch. 2: "In order that the episcopate itself might be one and undivided… He placed blessed Peter over the rest of the Apostles."

[12] *Ibid,* ch. 1–2 (Denz. 1821–1825): Christ's sending of the Apostles, the perpetual existence of pastors and teachers, the unity of the episcopate, and the permanent constitution of the Church under Peter are presented as one continuous divine institution which "must necessarily remain forever in the Church."

grasped, the entire structure of *Validity and Liceity* is seen to rest on a premise Catholic faith excludes. It is not answering a Catholic problem, rather, it is inventing a new one.

5. How simple this doctrine really is. This is not "advanced ecclesiology." This is catechism. It is no more complicated than saying, Christ founded a Church. Christ sent shepherds. Christ promised they would remain. Therefore, they remain. The complications begin only when one tries to explain how Christ's promise failed. But the Church is not a problem to be solved. She is a reality to be believed.

Catechetical Synthesis: The Four Marks of the Church Make the Conclusions of "Validity and Liceity" Impossible

The Catholic catechism teaches the Marks by which the Church may be identified: **One. Holy. Catholic. Apostolic.** Every one of them presupposes the same thing: a visible Church, governed by men sent by God.

1. "One" — because she is visibly united under pastors. The Church is not one because Catholics agree. She is one because Christ established one governing authority. Unity is not emotional, rather, it is juridical and visible. There is one faith, one worship, and one government. This is why schism is not merely a disagreement. It is a rupture of visible unity. And this is why any theory that imagines a period in which the Church had no true pastors strikes at the very heart of unity. If there are no pastors, there is no visible principle of unity. If there is no visible principle of unity, there is no Church.

2. "Holy" — because Christ sanctifies through a constituted Church. The Church is holy not because her members are sinless, but because Christ acts in her. He teaches through her; He governs through her; He sanctifies through her. The sacraments are not floating spiritual utilities, rather, they are acts of Christ in His Church. And Christ acts through the men whom He sends. A holiness detached from Christ's constituted Church becomes religious sentiment. A sacramental life detached from Christ's pastors becomes religious survivalism. Catholic holiness *is* ecclesial. It flows from a Church that Christ continues to govern.

3. "Catholic" — because her mission is always operative. The Church is catholic because she is sent to all nations and *all ages*—until the end of the world, not potentially, but *actually*. This is why the Church is not allowed to disappear. Her mission is not suspended, and her voice is not extinguished. Her pastors will never be withdrawn. Where Christ's mission continues, Christ's ministers continue, and a church that denies that is not catholic. Catholicity requires pastors and teachers at all times, because Christ has willed it.

4. "Apostolic" — because she is always built on living Apostles. The Church is apostolic in three inseparable ways: in origin, in doctrine, and in government. Apostolicity is not only a lineage of hands, rather it is a continuity of *mission*. The Apostles were not merely consecrated. They were sent. And that mission was transmitted to their successors. The catechism does not teach: "I believe in apostolic orders." It teaches: "I believe in the Apostolic Church." An *apostolic* Church always has Apostles — that is, men sent with Christ's authority. Succession of orders without mission is not apostolicity; it is merely a historical succession. The Church is not built on "relics" of the Apostles, she is built on *living* successors.

Validity and Liceity endeavors to answer the questions: Can orders be valid? Can necessity justify actions? But it never asks the Catholic question: *Where is the visible Church Christ founded?* This is because that question cannot be answered within its framework.

The Three Foundational Displacements in "Validity and Liceity"

The First Displacement: From Church to Sacraments

The most important move in *Validity and Liceity* occurs before any of its detailed arguments. It occurs in what the article treats as foundational. The article does not even begin *from the Church as Catholics are*

bound by faith to confess her to be: a living, visible, apostolic society, permanently endowed by Christ with pastors, authority, and jurisdiction, and therefore necessarily existing in this world.

Catholic faith itself imposes a prior question before any discussion of orders or succession can even arise: *does the Church Christ founded still exist in the world as a visible governing society?* Christ did not promise merely that valid sacraments or isolated believers would survive. He promised that His Church would endure — apostolic, visible, and constituted with pastors and authority until the end of time. This is not a sociological claim. It is a dogma. The Church must therefore exist somewhere in this world as a living juridical subject, even if men were in confusion about who her true ministers are. The Church's existence is not something to be secured by human action. *It is something to be confessed as already preserved by Christ*.

Yet *Validity and Liceity* does not proceed from this *dogmatic* reality. It never takes as its starting point the Church as Catholics are bound by faith to confess her: *a presently existing governing society, whose authority must always exist, and from whom ecclesiastical standing must be received*. It does not affirm a living hierarchy. It does not recognize a bearer of jurisdiction. It does not ask where the Church is *in the only sense that matters doctrinally*: as the *indefectible* society Christ instituted. Instead, it begins with orders.

It establishes that some separated bodies possess valid sacraments, that certain bishops can confer valid orders, and that an "apostolic" lineage of orders can persist outside visible Catholic unity — all of which, taken in isolation, Catholics readily admit. But what is missing is decisive. The article nowhere operates from the dogma of the Church herself as a presently existing society exercising authority. *At no point is the Church treated as a living juridical subject whose judgment, mission, and acts are already operative in this world*. Instead, the Church is functionally replaced by sacramental capacity.

This is not yet the claim that authority has been taken. It is the *precondition* for that claim. Because once the Church is no longer treated as the permanently existing visible subject of authority, sacramental power becomes the only remaining structure. And sacraments cannot govern. They can only be used. The article must then introduce something else to perform the governing function. That something else is *necessity*.

From here forward, everything the article will argue depends on this initial displacement. The Church is no longer the primary reality; sacramental survival is. Authority is no longer something that already exists in the world and must be received from her. It becomes something that must be generated.

In the sections that follow, we will show how apostolicity is detached from juridical mission, succession is detached from visible unity, necessity is converted into authorization, and continuity is reframed as survival. But all of it rests on this first move. The indefectible Church Christ founded — which by faith must exist in the world as a governing authority — is never identified as an existing subject. She is presumed to be *missing*. And once that presumption is accepted, everything else becomes possible.

The Second Displacement: From Mission to Mere Succession

1. How Catholics normally understand apostolicity. Apostolicity means more than historical descent. It means that the Church today is governed by true successors of the Apostles—men who receive and exercise the apostolic office through lawful succession and mission. What continues in the bishops is not merely apostolic orders, but apostolic office itself: the authority to teach, to govern, to judge, and to bind the faithful. This authority does not arise from consecration alone. It arises from mission. Through that mission, the one apostolic authority instituted by Christ—numerically one in its juridical reality though exercised by successive subjects—is perpetuated in the Church. Without that mission, succession becomes merely physical, and apostolicity is reduced to mechanics.

2. What *Validity and Liceity* implicitly substitutes. In *Validity and Liceity*, apostolicity is functionally

reduced to valid episcopal orders, historical lines of succession, and sacramental capacity. The article works tirelessly to establish that certain separated bodies possess valid bishops. But it never establishes that those bishops possess *mission*. The conclusion is then drawn that because episcopal orders exist, apostolic authority can be preserved.

But Catholic doctrine has never taught that. The Church does not continue through consecration alone. She continues through men who are sent into office within her visible structure. A bishop without mission is *not* a successor of the Apostles in government. He is a man with sacramental power, standing outside the juridical body Christ established.

3. Why this distinction matters. The Apostles were not free-floating bearers of sacramental power. They were constituted as rulers. They were placed and ordered among themselves, united under Peter. They received jurisdiction before they ever ordained anyone. Their successors inherit not only their sacramental character, but their *place in the Church*. Without that place, succession becomes physical.

Once apostolicity is detached from mission, succession becomes something that can be preserved anywhere, by anyone, whenever necessity is claimed. At that moment, apostolicity stops being a mark of the Church and becomes a portable property. And the Church herself is no longer what continues, only her sacramental residues do.

4. The effect of this shift. Because *Validity and Liceity* treats apostolicity as something that can survive apart from visible authority, it can then argue that authority may later be reconstructed. First, preserve orders, then, solve authority. But in Catholic doctrine, it is the reverse. First, Christ constitutes His Church. Within her, He gives mission. Within mission, He gives office. Within office, sacramental power is properly exercised.

Once mission is removed, nothing sacramental can replace it. No accumulation of valid rites can generate jurisdiction. No emergency can create an office. No line of consecrations can substitute for being sent. This is the second major displacement: Apostolic mission is replaced by "apostolic mechanics." And the Church's visible government just disappears. This is where the argument ceases to be merely confused and becomes a distinct *false ecclesiology*.

The Third Displacement: From Juridical Mission to "Necessity"

Having reduced the Church to sacramental survival, and apostolicity to technical succession, *Validity and Liceity* must still answer one unavoidable question: *Where does authority come from?* Since canonical mission has already been removed, another source must now be invented. That source is **necessity**.

1. The new principle introduced. The article repeatedly frames the situation this way: the hierarchy is gone, legal remedies are impossible, the faithful are in need, souls are in danger; therefore, *something must be done*. From this, it draws its decisive conclusion: that what the law forbids, necessity now authorizes; that what Christ entrusted to His Church, crisis now generates; that what only mission confers, emergency may replace. In other words: *necessity becomes a source of authority*. This is not a side remark. It is the structural hinge of the entire system. Without necessity acting as a "juridical" principle, the whole construction collapses.

2. Why this is not Catholic teaching. In Catholic doctrine, necessity has a role. But it is a limited role. It may: excuse culpability, permit certain acts, allow supplied jurisdiction in narrowly defined cases, and dispense from certain obligations. But necessity has never been taught to create offices, constitute bishops, generate jurisdiction, restore apostolic government, or supply what Christ reserved to authority. *Necessity* explains how the Church tolerates irregular acts. It does not explain how authority comes into being.

The Church supplies jurisdiction *only in defined and limited cases*.[13] She never supplies the episcopal office itself, never supplies apostolic mission, and never supplies a hierarchy. *Supplied jurisdiction* presupposes an existing Church acting within her own juridical order; it does not create that order. If supplied jurisdiction were extended to mean the supplying of apostolic office or hierarchy itself, the result would be absurd: it would imply that the Church must supply *herself*. But this is impossible, because the Church is indefectible—she cannot fail, lapse, or require reconstruction.

Once necessity is treated as a creative principle by which the Church's own constitution is generated or repaired, the Church ceases to be a society constituted by Christ and becomes a defective system improvable by circumstances. That is not Catholic ecclesiology.

3. The decisive reversal. In Catholic doctrine the Church exists first, and will exist until the end of the world. Within her, authority is exercised and within her authority, exceptions are regulated. In *Validity and Liceity*, the Church is presumed absent and necessity fills the vacuum. Authority is reconstructed afterward. This reverses the entire order of Christ's institution. Christ did not say: "When things collapse, rebuild My Church." He said: "I am with you all days." He did not say: "Preserve power and later form authority." He said: "He who hears you hears Me." He did not say: "When mission fails, let necessity replace it." He established a Church that cannot lose her rulers, as the Vatican Council defines, "He willed that in His Church there should be pastors and teachers until the consummation of the world."[14]

4. Why this destroys the visibility of the Church. Once necessity becomes the authorizing principle, the Church is no longer identifiable. She no longer exists as a continuous juridical body. She exists only as a sacramental dispensary with scattered valid rites, with men exercising "useful" authority in a presumed "state of emergency". The Church is no longer preserved indefectible because Christ promised that she would, she becomes, rather, something *men* must rebuild. At that moment, the Church ceases to be visible as a society. She becomes a theory, a reconstruction, a survival project. This is why movements built on necessity always drift into autonomous authority and leader-centered legitimacy. *This drift occurs because necessity has no visible boundary, no stable office, no juridical seat, and no principle of unity. It authorizes whoever invokes it most convincingly.*

5. The theological consequence. *Validity and Liceity* presents necessity as an act of fidelity. In reality, it replaces Christ's institution. It transfers the source of authority from Christ governing His Church to men responding to circumstances. Once this happens, Catholic ecclesiology collapses. The Church is no longer the Ark. She is a memory, and what follows is not Catholic *indefectibility*. It is a survival narrative.

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[13] Canon 209 (1917 Code of Canon Law) — *Ecclesia supplet*. "When common error or positive and probable doubt of law or of fact exists, the Church supplies jurisdiction both for the external and for the internal forum." (Codex Iuris Canonici) This canon presupposes an *already existing ecclesiastical authority and juridical order* within which jurisdiction may be *supplied* for the validity or liceity of particular acts. It does not supply ecclesiastical office, apostolic mission, or hierarchical constitution. As classical commentators consistently explain, *ecclesia supplet* operates only *accidentally,* not *essentially*: it remedies defects in the exercise of jurisdiction, not the absence of jurisdictional office itself. This limitation corresponds directly to the Thomistic distinction between *sacramental power*, which may remain even outside communion, and *jurisdictional power*, which depends upon lawful appointment and does not exist without it (cf. *Summa Theologiae* II–II, q. 39, a. 3). Jurisdiction is not generated by necessity or supplied to *create* authority; it is exercised *within* an authority already constituted. To extend *ecclesia supplet* to the *creation* of hierarchy or apostolic office would imply that the Church must supply her own essential constitution—an implication excluded by her indefectibility.

[14] Vatican Council, *Pastor Aeternus, supra*.

Not Errors, but a System: The Counterfeit Ecclesiology of "Validity and Liceity"

Up to this point we have examined what underlies the claims in *Validity and Liceity*: the reduction of the Church to sacramental validity, the reduction of apostolicity to physical succession, and the elevation of necessity into an authorizing principle. If these were merely disconnected confusions, they could be corrected one by one. But they are not. They interlock. They support each other. Together they form a complete substitute for Catholic ecclesiology.

1. The three displacements. The article performs three foundational shifts:

I. From the Church to sacraments. The Church is no longer presented as a visible juridical society founded and preserved by Christ. She becomes a field of valid rites. Where sacraments are valid, there "the Church continues." The focus moves from *what the Church is* to *what still works*.

II. From mission to succession. Authority is no longer shown to come from Christ through juridical mission. It is inferred from lines of consecration. Orders are treated as self-interpreting and succession is treated as self-authorizing. The episcopacy is detached from the Petrine structure.

III. From authority to necessity. When mission is missing, necessity is invoked. Emergency becomes constitutive and crisis becomes creative. What Christ entrusted to authority is relocated into circumstances.

2. The new ecclesiology that results. Once these three displacements are made, the Church has been redefined. She is no longer: a visible society, perpetually governed, juridically continuous, unified by one head, preserved by Christ. She becomes instead: a sacramental survival organism, reconstructed, justified by necessity, located in disparate groups, stabilized only by their own narratives. Continuity (indefectibility) is no longer something Christ maintains; it is something men attempt to preserve. Authority is no longer received; it is assembled. Unity is no longer visible; it is only claimed.

3. Why this cannot be reconciled with Catholic doctrine. Catholic ecclesiology does not begin with collapse. It begins with Christ's promises. It does not ask: *"What if the hierarchy disappears?"* It professes: "I am with you all days." It does not speculate about survival; it teaches indefectibility. It does not build authority upward from sacraments; it receives authority downward from Christ. It does not reconstruct apostolicity; it lives in it. Once collapse becomes the starting point, every doctrine of the Church must be altered to compensate. That is exactly what we see in *Validity and Liceity*. Each alteration exists to support the initial assumption: *that Christ's Church has lost her governing structure*. From that one premise flows the entire system.

4. The identifying mark of a false ecclesiology. A false ecclesiology can always be recognized by this sign: *It explains how the Church must be saved*. The Catholic Church explains how Christ saves His Church. False systems speak constantly of preservation, emergency, survival, restoration and reconstruction. Catholic doctrine speaks of institution, mission, authority, and indefectibility. One treats the Church as an endangered object. The other confesses her as a perfect and living society governed by Christ, her *Pastor Aeternus* and invisible Head.

5. Why this matters for the faithful. This is not a technical quarrel about canon law. It is about *what Church you are being asked to believe in*. Is the Church the visible society Christ founded, or a sacramental remnant *men* must preserve? Is authority the juridical mission Christ established? Or is it a necessity-based function reconstructed in crisis? Is apostolicity continuity of the unbroken line of authority traceable to the Apostles? Or is it a physical descent without juridical unity? The answers to these questions determine where the Church is, who has authority, and whether Christ's promises are still operative.

"Validity & Liceity" in Its Own Words: A Counterfeit Ecclesiology in Action

Up to this point, we have established the governing principles: what the Church is, how apostolicity is constituted, why mission and jurisdiction belong to her essence, and why necessity can never function as a source of ecclesiastical authority. These principles provide the only framework within which the article can be properly understood.

We now move from doctrine to demonstration. What follows is not a return to theory, but a disciplined reading of *Validity and Liceity* itself. The purpose is not to debate abstractions, but to let the article speak and to observe, concretely, what kind of ecclesiology is operative in its own language. The quotations that follow are not incidental. Each displays those principles in operation: sacramental lineage treated as authority-bearing, lawful mission displaced, juridical order eclipsed, and necessity made to perform the work of the Church.

By proceeding directly through the article's own statements, we can watch these moves unfold step by step—not as speculative ideas, but as the assumptions that govern its argument. In attempting to justify Schuckardt's claim, the method employed displays its own contradictions.

Validity and Liceity's Introduction

Validity and Liceity begins by informing the reader that:

1. Bishop Francis K. Maria Schuckardt was consecrated a bishop on November 1, 1971 by Bishop Daniel Q. Brown;

2. Bishop Brown had obtained his Sacramental Orders through the "Old Roman Catholic Church";

3. the Old Roman Catholic Church is a "more orthodox version" of its European counterpart, the schismatic Old Catholic Church of Utrecht, "sometimes simply referred to as Old Catholics."

The article's opening move is to establish a chain of consecrations: Schuckardt from Brown, Brown from the Old Roman Catholic line. No mention is made of any mission, canonical act, or received office. The Church enters the discussion only implicitly as a source of sacramental pedigree via a sect removed from her, not as a living authority that sends or constitutes ministers.

The "Old Roman Catholic Church" is described as a "more orthodox version" of its European parent body, the schismatic Old Catholic Church of Utrecht, "often referred to simply as Old Catholics." This manner of speaking is already revealing. All schismatic sects are equally outside communion with the Roman Catholic Church, and no degree of supposed "orthodoxy" alters that fact. Schism admits of no degrees. It is defined by separation from authority, not by nearness to orthodoxy.

At the same time, the admission of differing "orthodoxy" concedes something else: that these sects are not doctrinally or practically uniform—a crucial concession. Differences of belief, discipline, formation, and sacramental understanding are not peripheral. They bear directly upon intention, rite, and therefore upon the very question of orders. Once such differences are acknowledged, the presumption of a single, unquestionably valid Old Catholic sacramental status collapses.

Yet *Validity and Liceity* introduces this distinction only to neutralize it. By presenting the Old Roman Catholic Church as "more orthodox," the article attempts to quiet precisely the doubts that *real* Catholic theology and practice would raise. It then proceeds in the next section to assert, without qualification, the certain

validity of Old Catholic[15] orders as such. The effect is not to clarify, but to reassure. A difference is admitted, only so that it may be rendered irrelevant. The very fact that the article feels compelled to construct this reassurance signals the fragility of the claim it wishes the reader to accept.

Section One: "Old Catholics Possess Valid Orders"

Validity and Liceity proceeds by situating the reader entirely within a consecration narrative: who ordained whom, and from what sacramental source. This is not presented as a questionable background with extra-ecclesial origins, but as the basic framework of the discussion. Before any question of right, office, or authority is raised, the reader is trained to look to sacramental succession as the decisive ecclesial fact. Within the document, there are five sections devoted to establishing Schuckardt's claim along those lines: 1. Old Catholics Possess Valid Orders, 2. The Old Roman Catholic Church, 3. Bishop Brown – Consecration and Beliefs, 4. The Consecration of Bishop Francis K. Maria Schuckardt, 5. Licitness of Bishop Francis Maria's Consecration.

The obvious conclusion to be drawn from this heading is that the immediate source of Schuckardt's claimed succession of orders is definitely *not* the Roman Catholic Church, but rather a sect *outside* of it. This section is aimed at establishing as *certain* something that would be beyond question *within* the true Church: validity of orders. The article deals with that question quite summarily, stating:

> "The fact that the Old Catholic Church has valid Sacramental Orders is virtually contested by no one conversant with sacramental theology and in possession of even a modicum of neutrality…"

This assertion is definitely revealing. The reader is confronted with a categorical claim about the validity of Old Catholic orders — accompanied by the insinuation that anyone who questions this claim displays ignorance of sacramental theology. This statement is not incidental. It is a foundational move. It prepares the ground for everything that follows by privately certifying a line of succession, insulating it from legitimate ecclesiastical judgment, and attaching a moral stigma to dissent. Examining this claim carefully will allow us to see, in concrete form, how a false ecclesiology produces false authority. Several things are already being done here.

First, the statement is cast in dogmatic terms. It is not presented as a theological opinion, a historical judgment, or a question under examination, but as a "fact." The reader is not invited to weigh evidence; he is told where the matter already stands. By casting the claim in this form, *Validity and Liceity* does more than assert a conclusion; it implicitly exercises a teaching function. The article does not argue toward a position or acknowledge the limits of theological opinion. It speaks as though the matter were already doctrinally resolved, instructing the reader what must be accepted as fact. In doing so, it assumes a role proper to the Church's teaching authority, which alone can definitively determine how theological principles are to be applied in matters touching the Church's sacramental life. This displacement at the level of teaching

[15] Baumgarten, P.M. (1911) *Old Catholics*, in The Catholic Encyclopedia, describing it as "the sect organized in German-speaking countries to combat the dogma of Papal Infallibility." "Filled with ideas of ecclesiastical Liberalism and rejecting the Christian spirit of submission to the teachings of the Church, nearly 1400 Germans issued, in September, 1870, a declaration in which they repudiated the dogma of Infallibility 'as an innovation contrary to the traditional faith of the Church'. They were encouraged by large numbers of scholars, politicians, and statesmen, and were acclaimed by the Liberal press of the whole world." "The movement against the dogma was carried on with such energy that the first Old Catholic Congress was able to meet at Munich, 22-24 September, 1871. The second congress, held at Cologne, 20-22 September, 1872, was attended by 350 Old Catholic delegates, besides one Jansenist and three Anglican bishops, Russian clergy, and English and other Protestant ministers. The election of a bishop was decided on."

prepares the way for what follows: the further assumption of the Church's governing office, by ruling globally on the validity of orders outside her jurisdiction while bypassing the concrete, case-by-case judgment that belongs to her alone.

Second, disagreement is pre-emptively disqualified. Those who might contest the claim are implicitly placed outside the circle of the competent and the fair-minded. To disagree is not to hold a different assessment; it is to lack knowledge, neutrality, or both. This rhetorical move closes discussion before it begins and substitutes psychological characterization for ecclesial or juridical warrant.

Third, the article presents as settled what only the Church is competent to settle in practice. On a matter as grave as the validity of sacred orders — a matter that touches the sacraments, the hierarchy, and the Church's very visibility — the Church alone speaks definitively *in praxis* (in practice). Yet no ecclesiastical judgment, no juridical act, and no authoritative determination is invoked here. The "fact" rests not on a decision of the Church, but on an asserted consensus of theological arguments.

Fourth, the Church's concrete juridical practice is simply passed over. Questions of sacred orders have never been treated as academic conclusions, but as matters subject to formal examination and judgment by the Church. Since 1908, when Pope St. Pius X reorganized the Roman Curia, the competent Roman congregation was the Sacred Congregation on the Discipline of the Sacraments.[16] The article does not acknowledge this order of procedure at all. The existence of an ecclesiastical process for examining and deciding such cases disappears, replaced by a broad appeal to what is supposedly uncontested among theologians.

Fifth, a private theological assessment is made to function as if it were an ecclesiastical determination. The reader is given no indication that the assertion "Old Catholics possess valid orders" binds no conscience, establishes no standing, and confers no right to act. The difference between an *opinion* about sacramental lineage and a juridical *judgment* of the Church is not merely blurred; it is not even raised. And even if one were to suppose that no competent Roman tribunal were presently able to judge such questions, that absence would not make private verdicts more legitimate, but *more dangerous*. The Church's authentic procedures exist precisely to remove these matters from personal interest and self-attestation. To replace them with the conclusions of those whose own claims are at stake is not a solution to the problem, but its intensification.

Sixth, the article assumes a duty to determine the validity of orders outside the Church, as though the absence of ecclesiastical judgment transferred that office to private assessment.
Underlying the global assertion of the validity of Old Catholic orders is the unstated premise that there exists some standing obligation to establish the "validity" of schismatic successions, and that when the Church's judgment is inaccessible, this task devolves upon private men. Catholic practice has never recognized such a principle. Precisely because of the gravity of Holy Orders, the Holy See has often refused speculative determinations, responding simply: *habentur ut non ordinati* — "they are considered as not ordained."[17] Apart from exceptional and concrete cases, such as the formal examination of Anglican orders, the Church does not indulge in theoretical pronouncements on ordinations in heretical or schismatic bodies. The supposed "need" to establish external successions is therefore itself a fiction; where the Church does not judge, she does not license others to do so in her place.

The real necessity operating here is of a different kind. Because *Validity and Liceity* has already displaced the Church as a presently existing juridical authority, sacramental lineage becomes the sole remaining foundation upon which any claim to office can be constructed. If no mission can be received, then "valid

[16] *Sapienti Consilio*, Apostolic Constitution of Pope St. Pius X, issued on June 29, 1908.
[17] Rev. Peter J. Klekotka, J.C.D., *The Validity of the Orders of the Polish National Church*, The American Ecclesiastical Review, Vol. CVIII (January–June 1943), pp. 452–455.)

orders" must bear the entire weight. It is for this reason that the article opens, not with the Church, but with a categorical assertion about Old Catholic orders. The primacy given to this question betrays its function: it is not ancillary, but foundational. Everything that follows depends upon securing, as firmly as possible, a *substitute* for authority.

Most significantly, the entire discussion proceeds without reference to the one question that actually determines ecclesiastical standing: *Was anyone sent?* Nothing in this opening claim concerns mission, authorization, or received office. A man's position is framed instead around an attributed sacramental condition, supported by scholarly sentiment. The test is no longer whether he was constituted by the Church, but whether others believe his orders can be defended. From the first line, the reader is taught to look for the Church not in acts of sending, judgment, and constitution, but in assertions about sacramental possession. The decisive criterion is no longer who authorized, but *who can be argued for*. This is not a conclusion reached later in the article. It is the ground on which the article begins.

Scholarly Testimony Replacing Ecclesiastical Judgment

After presenting its opening assertion as a "fact," the article immediately follows it with a long catalogue of authors, dictionaries, manuals, and popular Catholic references, all stating in one form or another that Old Catholic orders are *unquestionably* valid. The sheer number of citations is meant to create the impression that the matter is already settled, and that nothing more is required than to acknowledge what these writers have said. The tone is that the conclusion *must* be accepted as a matter of Catholic faith.

What is actually being assembled here is not a judgment, but a chorus of theological descriptions. Every one of these statements operates at the level of *general principle*: that a validly consecrated bishop can confer valid orders; that certain Old Catholic lines are materially capable of valid ordination; that, speaking abstractly, such orders are 'considered valid.' However, none of these works is exercising jurisdiction. None is examining a concrete case. None is constituting a man as a bishop in the Church. They are simply explaining sacramental theology, not supplying ecclesiastical judgment.

Not one of the cited authorities would accept his own words being used in this way — as a substitute for the Church's juridical act of judging the validity of orders in a concrete case. To deploy them as though they could confer *juridical standing to determine validity itself,* settle a claim to valid orders, or establish a lineage as ecclesially operative is to ask them to do what they were never written to do. The question here is not yet who governs, but who judges. And the Church has never taught that the absence of her judgment transfers that competence to private men. It is the difference between *explaining how sacramental theology functions* on the one hand, and actually *exercising the Church's juridical authority* on the other.

The situation is not unlike attempting to replace the judicial system with libraries. One may gather shelves of books correctly describing what constitutes a valid contract, a lawful arrest, or a criminal offense. But no society pretends that such descriptions authorize everyday citizens to declare verdicts, confer offices, or sentence people to jail. Courts exist precisely because principles do not judge cases. Authority does.

That this distinction is being passed over is confirmed by one of the sources the article invokes. On the same page cited (p. 204 of *Separated Brethren*), William Whalen also writes: "*While no official pronouncement has been made by the Vatican concerning the validity of Old Catholic orders*, we have no reason to doubt that they are valid." (italicized portion omitted in *Validity and Liceity*) His remark does not eliminate the need for a pronouncement; *it presupposes it*. He explicitly recognizes that, in practice, the Church's judgment is what would settle the matter. His confidence is offered as an *opinion*, not as a *replacement* for that act. Whalen then offers a contemporary historical description explicitly noting the progressive doctrinal erosion and rationalist character of Old Catholicism prior to, and independent of, later

disputes over sacramental lineage. [18]

Yet *Validity and Liceity* treats these statements as though they collectively perform what only the Church can perform. The distinction between theological explanation and ecclesiastical determination disappears. Scholarly testimony is made to stand in for juridical judgment. And a question that by its nature belongs to the Church's authority is unapologetically transferred into the realm of private citation and self-interested conclusion. Yet the difficulty is even deeper.

The Church's Actual Practice: Validity Determined Only by Ecclesiastical Judgment

The validity of the Old Catholic stream of orders appealed to here was never treated by the Church as a settled practical fact. A 1943 article in *The American Ecclesiastical Review* traces the Polish National Church's episcopal origin to the schismatic church of Utrecht, noting that Francis Hodur was consecrated in 1907 by Archbishop Gerard Gul, yet states explicitly that the Church "has not rendered any decision as to the validity of the Orders of the Polish National Church," insisting that such questions, because of their gravity, cannot be resolved in theory but only by submitting concrete cases to the competent Roman authority.[19]

The same practical orientation appears in Rev. Ignatius Szal's 1948 treatment of schismatic ordinations, where he observes that "much doubt has been cast upon the validity of the orders of certain schismatic priests," and therefore "each individual case should be judged on its own merits."[20] The movement here is unmistakable: away from general assurances and toward concrete ecclesiastical judgment. Even where sacramental theology supplies principles, the Church's practice does not permit those principles to be converted into standing conclusions of validity in individual cases. In any event, if recourse to the Church's authorized tribunal cannot be had, that is all the more reason not to hand such determinations over to interested parties themselves, whose private conclusions can bind no one.

Where the Church acts by judgment, *Validity and Liceity* substitutes generalities. Where Leo XIII insists on concrete determination, the article offers accumulated opinion. Having set aside the very act by which the Church resolves such questions, the article can do nothing but assemble opinions in its place.

The Church's own practice confirms this principle. When Pope Leo XIII examined Anglican orders in the Apostolic Letter *Apostolicae Curae*, he insisted that the prior papal acts "were certainly not intended to deal with an abstract state of things, but with a specific and concrete issue," and that it would have been

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[18] William J. Whalen, *Separated Brethren: A survey of non-Catholic Christian denominations in the United States* (Milwaukee: Bruce Publishing Company, 1958), p. 204. Whalen summarizes the doctrinal and disciplinary trajectory of the Old Catholic movement as follows: "In 1874 the Old Catholics abolished compulsory confession, fasting, and holydays. By 1880 they had dropped indulgences, veneration of relics, the *Filioque* from the creed, celibacy of the clergy, the Latin ritual, and the doctrine of the Immaculate Conception (defined in 1854). Anglican orders were recognized as valid. Rationalism infected the movement from the beginning and together with nationalism turned Old Catholicism into a brand of liberal Protestantism, though closer to Anglicanism than to evangelical Protestantism." This passage is cited here not as an ecclesiastical judgment, but as a contemporary historical description by a Catholic author.

[19] Rev. Peter J. Klekotka, J.C.D., *The Validity of the Orders of the Polish National Church*, *supra,* 452: "The Church has not rendered any decision as to the validity of the Orders of the Polish National Church… any discussion as to the validity of the orders would remain largely academic, as *in praxi* each case would have to be submitted to the Sacred Congregation."

[20] Rev. Ignatius J. Szal, *The Communication of Catholics with Schismatics* (Washington, D.C.: The Catholic University of America Press, 1948), p. 103: "However, because of recent developments among the Oriental dissidents and among schismatics in general, much doubt has been cast upon the validity of the orders of certain schismatic priests, and consequently each individual case should be judged on its own merits."

"altogether irrelevant" to instruct the Apostolic Legate on sacramental principles as such.[21] Those principles were already known. What was required was their authoritative application to a determinate ecclesial situation.

Section Two: The Old Roman Catholic Church
Arnold Harris Mathew: Autonomy as Ecclesiastical Genesis

At this point, *Validity and Liceity* turns from generalized assurances about "Old Catholic orders" to a concrete lineage. The transition is abrupt and telling. We are informed that Arnold Harris Mathew[22] "obtained his episcopal Orders in 1908 from an archbishop of the Old Catholic Church, Gerardus Gul," and that in 1910 he "declared autonomy from the Old Catholic Church and founded his own church, the Old Roman Catholic Church." In the space of two sentences, a man moves from a schismatic body into a new sect of his own making. No mission is mentioned. No ecclesiastical authorization is even raised. Autonomy itself is treated as a sufficient ecclesial act. This is not a minor narrative choice. It is the article's operative ecclesiology in miniature, as will be seen.

Mathew's "declaration of autonomy" is presented as though it were a step towards "orthodoxy" (as noted above), or at least a morally neutral administrative step, rather than what it was in reality: the public severing of ecclesial subordination even to his consecrating sect, and the assumption of religious authority by private initiative. Mathew is twice removed from the true Vine—first by schism, then by autonomous self-constitution. From the Church's perspective, such an act is not creative; it is destructive and does not found a church.

Were it to be argued that this analysis misconstrues the intention in *Validity and Liceity* to merely present facts supporting Mathew's acquisition of orders, that criticism is negated by the article's next move. *Validity and Liceity* immediately follows the account of Mathew's declaration of independence with selected statements from his "profession of beliefs," emphasizing sacramental language, devotion to the Mass, veneration of saints, and even prayers for the Pope. The rhetorical effect is clear. Doctrinal coloration is being used to bolster ecclesiastical standing. Orthodoxy of tone is made to compensate for the absence of mission. What is wholly absent is precisely what Catholic ecclesiology would place first: *whether Mathew had any right to act at all*.

The Church has never taught that episcopal power to constitute churches, erect hierarchies, or transmit jurisdiction flows from possession of orders as such. It flows from mission. And mission is not self-declared. It is received. This principle does not depend upon the presence or absence of a reigning Pope, nor does an impeded See suspend the Church's juridical constitution. It depends upon the existence of the Church as a governing society. Whether the Holy See is occupied or impeded, whether times are peaceful or catastrophic, the Church does not cease to exist, and ecclesiastical authority does not revert to private initiative. *There is no condition under which autonomy becomes mission*.

This is why, in 1911, Pope St. Pius X publicly addressed the case of Arnold Harris Mathew by name,

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[21] Apostolicae Curae, Apostolic Letter of Pope Leo XIII September 13, 1896, §8; in *Acta Sanctae Sedis* 29 (1896–1897),193–203, at 198.

[22] **Historical note.** The life, episcopal activities, and subsequent legacy of Arnold Harris Mathew, as well as the various individuals and bodies claiming succession from him, are extensively documented in standard historical literature. These materials are readily accessible, heavily footnoted, and authored by historians concerned with accurate historical reconstruction rather than polemics. Representative works include: C. B. Moss, The Old Catholic Movement (London: SPCK, 1948); Peter Anson, Bishops at Large (London: Faber and Faber, 1964); and Rev. Jonathan Trela, A History of the North American Old Roman Catholic Church (Scranton: Straz Printery, 1979). The present analysis does not depend upon disputed biographical details, but upon the juridical character of Mathew's acts as judged by the Church.

denouncing his episcopal consecrations as "unlawful and sacrilegious" and formally excommunicating him as a pseudo-bishop, commanding that he be held by all Catholics as "cut off from the communion of the Church, and utterly schismatic."[23] That condemnation did not create the disorder. It judged it. Mathew's acts were not wrong because a Pope intervened. They were condemned by a Pope because they were wrong in themselves. The posture taken by the Popes who dealt with the Old Catholic revolt is quite unlike the tone taken in *Validity and Liceity*.[24]

Whether one raises questions about sacramental validity, intention, or lineage, one fact is already ecclesiastically fixed: Mathew possessed no mission from the Church and no standing within her. His "autonomy" was not an origin of authority; it was its explicit rejection. Yet, as usual, none of this enters into the presentation in *Validity and Liceity*. The article does not ask whether Mathew was sent. It does not ask by whom he was authorized. It does not ask what juridical place he occupied in the Church. The entire ecclesial dimension of the act is bypassed.

Instead, the reader is guided from consecration, to autonomy, to doctrinal quotations, as though these three together formed a sufficient foundation for apostolic continuity. This is not Catholic reasoning. It is precisely the survival logic already exposed in principle: orders first, juridical separation treated as tolerable second, structure third — with jurisdiction never appearing at all.

At this point, Mathew's function in the article becomes unmistakable. He is not introduced merely as a problematic figure whose disorder must be corrected in order to preserve apostolic succession. He is installed as a precedent. The structure established in his case — consecration detached from mission, autonomy substituted for authorization, doctrinal affirmation replacing ecclesiastical standing — is not treated as a defect. It is treated as a template.

What is done here with Mathew will next be done with Daniel Q. Brown. What is done with Brown will finally be done with Francis Schuckardt. In each case the same elements recur: separation from the Church's juridical order, private assumption of authority, sacramental justification, and the absence of any act of sending. The article is not merely tracing a lineage. It is propagating a *method*.

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[23] Gravi Iamdiu Scandalo, Motu Proprio of Pope St. Pius X, (February 11, 1911), *Acta Apostolicae Sedis* 3 (1911), pp. 64–67. *Gravi iamdiu scandalo Nos afficit deploranda Arnoldi Harris Mathew aliorumque facta*… ("A grave and long-standing scandal has afflicted Us on account of the deplorable actions of Arnold Harris Mathew and of others…") In this Apostolic Letter, Pope St. Pius X explicitly names Arnold Harris Mathew, condemns his episcopal consecrations of two excommunicated Roman Catholic *monsignori* as *"illicitas et sacrilegas"* ("unlawful and sacrilegious"), designates him a "pseudo-episcopus" ("pseudo-bishop"), and commands that he be held by all Catholics *as "a communione Ecclesiae seiunctus et omnino schismaticus"* ("cut off from the communion of the Church and utterly schismatic"). The Pope further decrees that those who adhere to him or receive orders from him likewise place themselves outside ecclesiastical communion. The document grounds this condemnation not in contingent circumstances but in the intrinsic nature of Mathew's acts: episcopal functions assumed without mission or subordination, in violation of the Church's divine constitution.

[24] Etsi Multa, Encyclical letter of Pope Pius IX (November 21,1873, On the Church in Italy, Germany, and Switzerland; *Acta Pii IX*, vol. VII, pp. 657–666. In this encyclical, Pope Pius IX addresses the Old Catholic schism following the Vatican Council and explicitly condemns the attempt to fabricate an autonomous hierarchy. Speaking of the Old Catholics, he writes that they "have wished to create a hierarchy also for themselves," and that they therefore "chose and set up a pseudo-bishop, a certain notorious apostate from the Catholic faith, Joseph Hubert Reinkens," having recourse for his consecration to "those very Jansenists of Utrecht, whom they themselves, before they separated from the Church, considered as heretics and schismatics." The Pope then solemnly declares, "by the power granted to Us from heaven," that the election of Reinkens, performed against the sanctions of the sacred canons, is "illicit, null, and void," and further declares his consecration "sacrilegious." This judgment is rendered not on the basis of speculative sacramental theology, but on the intrinsic unlawfulness of creating a hierarchy by private initiative apart from ecclesiastical mission and subordination.

At this point in the article, the pattern is already fixed. A man is detached from the Church. A new religious body is declared. Catholic-sounding affirmations are supplied. And from these elements, ecclesial reality is assumed. This is the mechanism that will now be extended down the line to Daniel Q. Brown and Francis Schuckardt. Mathew is not being examined. *He is being used as a model*.

Orthodoxy Without Mission: Doctrinal Continuity as a Substitute for the Church

At this point, *Validity and Liceity* moves from lineage and autonomy to a new kind of warrant. Having introduced Arnold Harris Mathew as the founder of an autonomous body, the article now seeks to establish that this body "continued to hold fast to their traditional beliefs and traditional Sacraments," even "decades after the close of Vatican Council II." Lengthy quotations are then supplied from a 2002 Old Roman Catholic publication, denouncing Vatican II, lamenting the liturgical reforms, criticizing contemporary bishops, and asserting fidelity to Catholic doctrine.

Here the article's method again becomes unmistakable. Ecclesial standing is no longer grounded even primarily in consecration lineage, but in *doctrinal posture*. Fidelity to "tradition," rejection of Vatican II, and rhetorical identification with Catholic belief are made to function as the decisive criteria of legitimacy. The process of "rehabilitation" of the Old Roman Catholics has begun.

The quotations themselves are not introduced as testimonies of submission to any living authority, but as declarations of self-definition. They narrate a story of resistance, of isolation, of apostate bishops who would not act, and of the Old Roman Catholic Church standing alone as a faithful remnant. In this narrative, orthodoxy replaces mission. Protest replaces constitution. Continuity of belief replaces continuity of office.

What is again absent is precisely what Catholic ecclesiology requires. No mention is made of any act of reconciliation, recognition, or canonical mission. No distinction is drawn between professing Catholic doctrines and belonging to the Catholic Church. The Church appears not as a visible authority that constitutes ministers, but as a set of teachings that can be retained once separation has already occurred. This becomes explicit in the article's own conclusion. It states that the Old Roman Catholic Church not only "retained its traditional beliefs," but even "corrected some of their former errors," and then immediately adds: "It was to this Church that Daniel Q. Brown sought and obtained what the new Vatican II Catholic Church could no longer provide for him: a valid consecration to the episcopacy."

Here the entire ecclesiological exchange is laid bare. What Brown is said to have "sought and obtained" is not mission, not office, not incorporation into the Church's hierarchy, but a sacramental act from a body defined by doctrinal self-assertion. The Church is no longer the one who sends. She is recast as *absent* as a governing authority. Authority is no longer something received from her; it is something acquired elsewhere, on the basis of perceived orthodoxy.

In this presentation, ecclesial legitimacy no longer flows from Christ through the Church's constituted order. It flows from resistance to a crisis. A group declares itself faithful. It narrates its separation as fidelity. It asserts doctrinal continuity. And from these elements, the article treats it as competent to act in the Church's stead, as entitled to perform what belongs to the Church alone. This is not a secondary flourish. It is the working ecclesiology of *Validity and Liceity*. Once autonomy has been normalized and lineage detached from mission, doctrinal posture becomes the final warrant. A church is no longer something one belongs to by incorporation and mission. It is something one identifies by agreement with Catholic teaching.

And once that shift is made, the transition to Daniel Q. Brown becomes effortless. Brown does not appear as a man sent. He appears as a man who goes elsewhere to obtain what *he* judges lacking. The decisive movement is no longer from Christ through His Church to a minister. It is from a minister to a body that will supply what his judgment demands. The rest of the succession will proceed along exactly this path.

Section Three: Daniel Q. Brown: Lineage, Assertion, and the Manufacture of Standing

When *Validity and Liceity* turns to Daniel Q. Brown, the article's procedure is now fixed. First, it narrates a consecration. Brown is said to have been consecrated in 1969 by Bishop Hubert Rogers of the Old Roman Catholic Church.[25] No ecclesiastical context is supplied. No question of mission is raised. The event is made to appear as self-interpreting.

The article then attempts to fortify this consecration not by any ecclesial act, but by an evidentiary inference. Because another man consecrated by Rogers used the *Pontificale Romanum*, and because there is "no reason to believe" Brown's consecration differed, the reader is invited to accept liturgical likelihood as a substitute for concrete verification, even though the witnesses cannot be named.[26] Where the Church's practice demands examination, testimony, and judgment, the article offers analogy and presumption as proof. The issue is not whether the Church judged or constituted anything. It is whether one ceremony *likely* resembled another.

But the decisive move comes next. The article immediately follows the consecration narrative with lengthy quotations from Brown himself. These statements are rich in Catholic language. Brown calls himself Roman Catholic. He denies being Old Catholic. He invokes apostolic succession, moral obligation, devotion to the papacy, fidelity to pre-Vatican II doctrine, and hope for a future Pope. He narrates crisis, necessity, and survival. And these professions are made to perform ecclesial work.

They are not introduced as private opinions. They are presented as evidence of standing. Brown's self-description is treated as confirming his Catholic identity and the defensibility of his actions. The sections's concluding sentence makes this explicit: "So it is clear that Bishop Daniel Brown was in possession of valid episcopal Orders and that he publicly professed Roman Catholicism." This is not just an observation. It is literally a construction. From consecration narrative and self-testimony, the article produces a bishop.

Yet here again, what is missing is precisely what Catholic ecclesiology would regard as determinative. No sending. No canonical mission. No incorporation into any hierarchy constituted by the Church. No act of

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[25] **On nomenclature and ecclesial fragmentation.** *Validity and Liceity's* reference to "Bishop Hubert Rogers of *the* Old Roman Catholic Church" is historically misleading. In the period in question, there was no single, unified body properly identifiable as *the* Old Roman Catholic Church in North America. Rather, "Old Roman Catholic" functioned as a loose and unstable label used by multiple independent and often rival jurisdictions, many of them bearing nearly identical names. Henry Carmel Carfora (1878–1958) is estimated to have consecrated approximately 30 to 40 bishops during his lifetime as the "Primate" of the North American Old Roman Catholic Church (NAORCC). Before and after his death multiple schisms occurred. By 1969, the North American Old Roman Catholic movement, itself a splinter, had fractured into competing bodies, each claiming continuity and legitimacy. Among these were jurisdictions associated with figures such as William Henry Francis Brothers, Hubert A. Rogers, Richard Marchenna, Cyrus Augustus Starkey and others, operating under variations of the same ecclesiastical title. Contemporary surveys of independent episcopal movements consistently note the resulting confusion, proliferation of claimants, and lack of any single public authority capable of constituting a determinate ecclesial subject. For present purposes, the point is not to adjudicate internal succession claims among these groups, but to note that the definite and singular description employed by *Validity and Liceity* obscures a well-documented reality of fragmentation. The name itself does not identify one Church, one hierarchy, or one juridical body capable of supplying ecclesiastical standing.

[26] *Validity and Liceity:* "Bishop Mark Plested, a witness to the consecration of Edward Payne, attested in writing and swore under oath on July 11, 2006, that the Pontificale Romanum [official liturgical book of the Roman Catholic Church] was used at the consecration of Edward Payne. While this writer has no knowledge of who witnessed the consecration of Bishop Brown and is therefore unable to obtain their testimony, there is no reason to believe that Bishop Rogers would have conferred episcopal consecration on Daniel Brown in a different manner than he conferred episcopal consecration on Edward Payne – given the nearly identical circumstances surrounding both consecrations."

recognition, supply, delegation, or judgment. Brown is never located within the Church's juridical order. He is located within a *story*: a story of crisis, failure of bishops, fidelity under necessity, and men acting so that the Church might 'continue.' In this framework, ecclesial authority no longer flows from Christ through the visible order He instituted. It flows from perceived emergency. Brown does not receive a mission; he assumes one. He does not act as one sent; he acts as one compelled. And his own description of that compulsion is made to function as justification.

It is therefore not accidental that the article treats Brown's profession of Catholic belief as a second foundation alongside his consecration. Once jurisdiction and mission have been removed from the picture, only two things remain from which authority can be constructed: sacramental lineage and doctrinal self-identification. Brown is supplied with both. And generated from these two elements, the article boldly asserts ecclesial standing.

Private Conviction Is Not Ecclesiastical Authority

At this point, an important distinction must be kept clear. Nothing in this analysis depends on denying that a grave crisis exists in the Church, or on requiring the reader to accept any particular conclusion about Vatican II or the claimants to the papacy. One may, as a matter of conscience, judge that errors have spread, that shepherds are false, and that recent claimants are not true popes. None of that, however, confers ecclesiastical authority. A Catholic may in conscience resist, refuse, withdraw, and wait. He may *not*, on the basis of his own assessment, constitute himself a bishop of the Church, erect churches, or transmit ecclesiastical authority. Brown's statements remain at the level of personal judgment, but his actions do not. Whatever one thinks of his diagnosis, the acts he undertakes belong by their nature to the Church's office, not to private conviction.

Catholic doctrine has never taught that a man becomes a bishop of the Church by possessing orders and describing himself as Roman Catholic. Orders configure a man sacramentally. They do not constitute him ecclesially. Profession of faith may be necessary for communion. It is never sufficient to establish office. Brown is not shown to have been sent. He is shown to have gone elsewhere, been consecrated, and spoken grandly of fidelity to Roman Catholicism. And from this, the article treats him as a Catholic bishop.

At this point in *Validity and Liceity*, the replacement is complete. Ecclesiastical authority has been reduced to a composite of ritual continuity and personal assertion. The Church's act of judgment has disappeared entirely. And what will now follow in the article is not a transition into the Church's order, but the mechanical extension of this same logic to Francis Schuckardt.

Section Four: Francis Schuckardt—Necessity as a Substitute for the Church

When *Validity and Liceity* turns to Francis Schuckardt, the article no longer merely narrates consecrations and professions. It now begins to address, indirectly and by substitution, what it has already set aside: the question of ecclesiastical jurisdiction.

Brother Francis initially refused consecration, on the ground that Brown had "separated himself from the Roman Catholic Church" by receiving episcopal orders from a schismatic body, and had never "officially corrected" this. This is a crucial admission. At this stage, even within the article's own narrative, Brown is recognized as lacking Catholic standing. What follows is therefore not incidental. It is the construction of a remedy.

Because, we are told, the Holy See and the Catholic episcopacy were vacant, the normal canonical means of reconciliation were "impossible to fulfill." There was "no known Catholic hierarchy capable of restoring Bishop Brown to the Roman Catholic Church, as provided by law." And so, the article states, "recourse was had" to an "approved pre-Canon Law Code practice": Brown publicly abjured error and professed the faith,

citing a text of Pope St. Gregory the Great.

This is the decisive act. Here *Validity and Liceity* does not merely claim that Brown held Catholic beliefs. It claims that Brown *restored himself* to good standing as a bishop in the Roman Catholic Church. On the basis of a private abjuration, before witnesses of his own choosing, without any ecclesiastical authority, jurisdiction, or judgment, Brown is said to have been "restored." And "it was then and only then" that Schuckardt agreed to be consecrated. The implication is obvious: Brown had *somehow* acquired apostolic mission and could himself call another man to the Catholic episcopacy.

The appeal to St. Gregory is meant to supply the warrant for this act, the "approved pre-Canon Law Code practice". But the text cited does *not* describe men restoring themselves. It describes how *the Church* receives those who return from heresy. St. Gregory writes to bishops. He directs that "your holiness may receive in your assembly" those who come back from error. The acts he names—chrism, imposition of hands, profession of faith—are ecclesiastical acts, performed by the Church's ministers, under her jurisdiction, effecting reconciliation with her communion. Every verb in the text presupposes authority present and operative.

Validity and Liceity uses this passage to justify precisely the opposite: *a man restoring himself* when, by its own account, no ecclesiastical authority was present. That is not an application of Pope St. Gregory's teaching; it is its inversion. Where Pope Gregory presupposes ecclesiastical judgment, the article presupposes its absence. Where Pope Gregory describes how the Church may receive, the article asserts private restoration. Detached from the Church's authority, the acts the saint names have no power to constitute communion.

In other words, the article asserts that what the Church alone possesses the right to do—to reconcile, to judge standing, to restore a cleric to communion—was accomplished by a man who, by the article's own admission, stood outside her juridical order. This is not sacramental theology. It is not canonical application. It is not even irregular administration. *It is the usurpation of an ecclesiastical act*.

The citation from St. Gregory is therefore not used to show how the Church acts. It is used to justify action *in place of the Church*. A text describing the Church's authority to receive penitents is converted into a mechanism by which authority is presumed absent and then completely replaced. Here necessity becomes operative. The Church cannot be accessed. Therefore, the Church's act is reproduced *by imitation*.

But Catholic doctrine has never taught that when ecclesiastical authority cannot be reached, it ceases to exist, or that its acts may therefore be privately generated. The power to reconcile, to judge communion, and to restore clerics does not lie dormant in texts, waiting to be activated by circumstance. It resides in the Church as *a visible authority*. What the article presents, then, is not an extraordinary application of any law, "pre-Canon Law Code" or after it. It is the creation of a *new* principle: that when the Church cannot be found, her acts may be performed. Once this is conceded, everything else follows mechanically.

Brown, previously admitted to be outside Catholic standing, is declared "restored" by a process no Catholic authority performed. Schuckardt, on that basis, accepts consecration. And the entire succession is thus built, not merely on lineage and profession, but on a privately executed act of ecclesiastical jurisdiction. This is the moment at which *Validity and Liceity* ceases even implicitly to depend on the Church. It begins to replace her. Schuckardt is not consecrated by a bishop sent by the Church. *He is consecrated by a man who first declared himself restored*. And that declaration is the true foundation of the entire structure.

Section Five: Schuckardt's "Liceity": Necessity Elevated to Juridical Principle

With the consecration of Francis Schuckardt narrated, *Validity & Liceity* turns to what it calls "liceity." In reality, this section does not explain how the act fit within the Church's juridical order. It *redefines* what

makes an act lawful in the first place.

The section opens by dismissing objections of illicitness as ignorance of "the most fundamental concepts of Catholic doctrine." But what follows is not an account of the Church's law, nor an appeal to any authority competent to judge it. Instead, a *new* principle is introduced. Brown's words are recalled: that he felt "obligated under pain of mortal sin to make sure that the Church founded by Our Lord Jesus Christ continues." The argument is then built on a single premise: that all "legal avenues" were cut off, that no Catholic hierarchy could be found, and that therefore Brown and Schuckardt faced an unprecedented situation.

From this premise, the conclusion is made to follow: what the Church's law would ordinarily forbid is now said to become lawful because of *necessity*. Lawfulness is no longer something determined by the Church's authority. It is made to arise from the urgency of circumstances themselves.

The claim that "all legal avenues were cut off" rests on a false dilemma. It assumes that the only lawful options were either to proclaim oneself a bishop, or to abandon the Church's sacramental life altogether. In reality, many lawful avenues remained — including perseverance in the Catholic Faith and refusal to act without mission. What was unavailable was not law, but *authorization*. The supposed absence of legal avenues arises only because none of the remaining lawful paths would permit what Brown and Schuckardt were intent on doing: assuming episcopal office by private initiative.

The reader is also presented with another forced dilemma: either abandon "traditional Catholics" by adhering to "the letter of the law," or accept what "all Catholic theologians teach," that the Church must take into account the salvation of souls. Appeals are then made to Cappello, to Pope St. Pius X, to Pope Boniface, and to Pope Pius XII, all to reinforce the same conclusion: that necessity, spirit, and the salvation of souls rendered Schuckardt's consecration not only excusable, but "perfectly legal."

Yet Pope Pius XII explicitly rejects this very excuse when it is used to justify the assumption of episcopal functions outside the Church's constituted order. In *Ad Apostolorum Principis,* he addresses those who claim they had to act "because of the need to tend to the souls" in dioceses lacking bishops, and he insists that "no thought is being taken of the spiritual good of the faithful if the Church's laws are being violated," warning that such acts establish "false shepherds" and overthrow the hierarchical order of the Church. He adds that bishops "neither named nor confirmed by the Apostolic See" enjoy *no power of teaching or jurisdiction,* since jurisdiction comes to bishops only through the Roman Pontiff. [27]

The Church's law is no longer something exercised by the Church. It is something interpreted, activated, and applied by laymen. Texts describing the Church's authority are converted into instruments by which authority is presumed absent and then simply replaced. The supreme law of the salvation of souls is no longer a principle governing the Church's exercise of jurisdiction; it becomes a principle by which jurisdiction is generated. *Validity and Liceity* crosses the line from rationalization into substitution.

The Church has always taught that necessity may excuse, mitigate, or guide the use of authority. She has never taught that necessity creates it. The salvation of souls governs how the Church acts. It does not transfer her divinely constituted office to those who judge her inaccessible. Yet in this section, necessity is no longer a circumstance. It is a source. It no longer conditions law; it makes it own. The very absence of

[27] *Ad Apostolorum Principis*, *supra*. Especially relevant: §§36–51, where Pope Pius XII condemns the claim that necessity or pastoral urgency can justify episcopal elections or consecrations apart from the Apostolic See; reaffirms that jurisdiction is received only through the Roman Pontiff; declares that bishops neither named nor confirmed by the Holy See possess no power of teaching or governance; states that acts performed by such men, even if sacramentally valid, are "gravely illicit, that is, criminal and sacrilegious"; explicitly rejects appeals to the "need of souls" as a justification for usurping ecclesiastical office.

the Church's tribunals is made the warrant for performing what only they can perform. Thus Brown's private assessment of crisis becomes juridical. His interpretation of "spirit" becomes legislative. His profession of faith becomes restorative. And his episcopal act becomes "lawful" by necessity alone.

Here again Pius XII provides the precise Catholic distinction that the article refuses to keep in view: even if an episcopal consecration were sacramentally valid, men "elected and consecrated in defiance" of the Apostolic See possess *no jurisdiction*, and acts performed by such men, though valid in the order of Holy Orders *if* the consecration was valid, are nonetheless "gravely illicit, that is, criminal and sacrilegious." In other words, necessity does not transform a usurped act into a lawful one; it does not convert private initiative into ecclesiastical mission.

The article's conclusion then follows without friction: that the Old Roman Catholic Church possessed valid orders; that Brown received them; and that "after Bishop Brown's "restoration" to the Roman Catholic Church episcopate through his profession of faith, he could and in fact did, validly and licitly consecrate Bishop Francis Maria a bishop of the Roman Catholic Church."

At this final step, the entire replacement stands exposed: A man declared himself "restored" to an office. Another accepted his declaration. Texts were cited. Necessity was invoked. And from these elements, an episcopate was said to exist. This is not Catholic ecclesiology under strain. It is a different ecclesiology altogether.

Here the Church is no longer the *visible* authority that judges, sends, reconciles, and constitutes. She is a memory, a standard, a collection of texts, and a crisis narrative. Her office is not exercised; it is assumed. Her acts are not awaited; they are reproduced. What began with general assurances about "valid orders" ends with the explicit claim that private men, acting under perceived necessity, may perform the Church's juridical acts and generate her hierarchy. This is the final and governing principle of *Validity and Liceity*: necessity itself becomes jurisdiction. And with that, the entire construction stands revealed.

Conclusion

At this point, nothing essential remains unresolved. The article *Validity and Liceity* has supplied every element necessary to see its governing principle in operation. Sacramental lineage has been detached from ecclesiastical mission. Doctrinal profession has been made to substitute for juridical standing. Private abjuration has been elevated into restoration. And necessity has been invoked as a generative source of authority. What began as a discussion of "valid orders" has ended in the private performance of acts that belong by their nature to the Church alone. The question before the reader is therefore no longer whether Francis Schuckardt's consecration was valid or invalid, licit or illicit. It is whether the Church's authority has been preserved at all.

This examination has not attempted to resolve the modern crisis in the Church or to adjudicate the personal sincerity of any of the men involved. It has addressed a narrower and more fundamental question: whether the article *Validity and Liceity* preserves or replaces Catholic ecclesiology. By following the article's own claims in sequence, we have seen sacramental lineage made to function as authority, doctrinal self-assertion substituted for ecclesial standing, private abjuration elevated into episcopal "restoration", and necessity invoked as a generative principle of jurisdiction.

At no point does the Church act. Her office is never exercised. Her judgment is never rendered. Her mission is never given. And yet bishops are said to exist. What *Validity and Liceity* constructs is not the continuation of the Catholic hierarchy under extraordinary conditions, but an alternative model in which ecclesiastical authority arises from crisis itself. That model is foreign to Catholic doctrine. For that reason, the article fails precisely where it claims to succeed: in demonstrating that Francis Schuckardt stood within the Roman Catholic episcopate.

A Final Appeal to the Young Clergy Within This Ministry

To the younger clergy presently laboring within the orbit of the Schuckardt/Jacobs ministry, a word must be spoken plainly, and with the utmost gravity.

You stand in a position that is no longer merely devotional or practical, but doctrinal. You exercise sacred rites. You preach. You present yourselves to the faithful as ministers within the Catholic Church. And the foundational public document offered to justify that standing is *Validity and Liceity of Orders* .

That document is not incidental. It is not peripheral. It is the structural justification of your ecclesiastical existence. And it raises serious questions.

Not rhetorical questions. Not hostile questions. But real, theological, canonical, and ecclesiological questions—questions about whether the framework it presents corresponds to the Church Christ actually founded.

The document:

- Establishes sacramental lineage,
- Asserts validity of orders,
- Appeals to necessity,
- Cites theological authors,
- And speaks with doctrinal confidence.

But it never establishes canonical mission.
It never identifies a juridical act of sending.
It never demonstrates received governing authority.
It never situates its claims within the living visible constitution of the Church as a juridical society.

And this omission is not minor. It is structural.

If apostolicity formally resides in jurisdictional mission, as Catholic doctrine teaches, then a document that never establishes mission cannot establish apostolic succession in the Catholic sense. If authority comes through being sent within the visible order Christ instituted, then lineage and necessity cannot substitute for that act.

You, as clergy, are not merely inheritors of rites. You are claimants to office.

And office requires:

- Mission,
- Jurisdiction,
- Canonical insertion into the Church's visible governing structure.

If those elements are absent—or even unproven—then the entire structure rests not on received authority, but on reconstruction.

The faithful entrusted to your care deserve clarity.
They deserve to know not merely that sacraments occur,
but by what right those sacraments are publicly administered in the name of the Church.

If *Validity and Liceity* is truly sufficient, then it should be able to answer, without deflection:

- From whom was governing authority received?
- Through what juridical act?
- Within what visible structure?
- By what canonical mission?
- Under what continuing authority?

If it cannot answer those questions, then its silence is not a detail—it is a confession.

This appeal is not to abandon faith, nor to reject tradition, nor to minimize sacramental devotion. It is an appeal to intellectual and ecclesial honesty.

If the foundational document of your ministry operates in an ecclesiological framework different from that of the Catholic Church—if it replaces mission with mechanics, authority with necessity, and jurisdiction with lineage—then that must be faced squarely.

The Church Christ founded does not need to be reconstructed.
She does not need to be regenerated by emergency.
She does not need sacramental survival networks to preserve her.

She is a visible, juridical, apostolic society perpetually governed by pastors whom Christ sends.

If your ministry stands within that Church, demonstrate it clearly.

If it does not, then no amount of sacramental validity can substitute for what is missing.

The younger clergy, precisely because you are young, have the opportunity—and the responsibility—to examine the foundation on which you stand.

A structure may appear stable for years.
But if its cornerstone is absent, the collapse is only delayed.

You owe it to Christ, to the faithful, and to your own souls to ensure that the authority you claim is not inferred, not reconstructed, not presumed— but received.

"Every plant which My heavenly Father hath not planted, shall be rooted up.
Let them alone: they are blind, and leaders of the blind.
And if the blind lead the blind, both will fall into the pit."
Matthew 15:13-14

"Neither doth any man take the honor to himself,
but he that is called by God, as Aaron was."
Hebrews 5:4